

PROPOSED AMENDMENTS TO SENATE BILL NO. 2155

Page 1, line 2, replace “certification” with “licensure or registration”

Page 1, line 3, replace “section” with “sections”, insert a comma after “43-32-01”, after the comma insert “43-32-08, 43-32-08.1, 43-32-08.2, 43-32-09, 43-32-12, 43-32-13, 43-32-14 and subsection 1 of 43-32-16” and after “definitions” insert “and applied behavior analyst registrations”

Page 1, line 9, replace “analysis” with “analyst” and replace “the design, implementation, and evaluation of” with “an individual licensed under this chapter in the practice of applied behavior analysis”

Page 1, remove lines 10 through 13

Page 2, line 3, after the first “psychologist” insert “, an applied behavior analyst who is not a registered behavior analyst,”

Page 2, line 8-9, delete “diagnosed with an autism spectrum disorder; design, implement, evaluate, and modify treatment program to change the behavior of individuals”

Page 2, line 11, after “behavior of” insert “individuals in” and after “organizations” insert “serving them”

Page 3, after line 5, insert:

“11. “Registered applied behavior analyst” or “registrant” means an individual who has met the requirements of section 11 of this Act, is involved in supervised employment in the practice of applied behavior analysis, and has been approved for registration by the board.”

Page 3, line 6 replace “11” with “12”

Page 3, after line 9, insert:

“SECTION 2. AMENDMENT. Section 43-32-08 of the North Dakota Century Code is amended and reenacted as follows:

43-32-08. Rules. The board may adopt rules as necessary to enable the board to carry into effect the provisions of this chapter. The rules may include a code of ethics for licensees and registrants. The board shall adopt the rules defining what programs of study are substantially psychological in nature, what educational programs are acceptable for the licensing of psychologists and applied behavior analysts and for registering applied behavior analysts, and what educational programs are acceptable for the licensing of industrial-organizational psychologists. The educational program rules for industrial-organizational psychologists must take into account the availability of professionally accredited programs in the field of industrial-organizational psychology.

SECTION 3. AMENDMENT. Section 43-32-08.1 of the North Dakota Century Code is amended and reenacted as follows:

43-32-08.1. Continuing education requirements. The board shall adopt rules establishing requirements for the continuing education of licensees, psychology residents, registrants, and industrial-organizational psychology residents. The board may refuse to renew, suspend, revoke, or place on probationary status any license or registration issued under this chapter if the licensee or registrant fails to meet applicable continuing educational requirements. Applicants for accreditation of continuing education courses, classes, or activities may be charged a reasonable fee determined by the board.

SECTION 4. AMENDMENT. Section 43-32-08.2 of the North Dakota Century Code is amended and reenacted as follows:

42-32-08.2. Continuing education requirements – Renewal. Absent a showing of good cause, the board may not renew a license or registration issued under this chapter without proof the continuing education

requirements under section 43-32-08.1 have been met. An individual whose license or registration is not renewed because of failure to meet the continuing education requirements must be reinstated and the license or registration renewed if, within one year from the date of nonrenewal, the individual demonstrates to the secretary of the board the continuing education requirements have been satisfied, pays the renewal fee, and pays a late fee to be determined by the rule of the board.

SECTION 5. AMENDMENT. Section 43-32-09 of the North Dakota Century Code is amended and reenacted as follows:

43-32-09. Examination of qualifications of applicants. The board shall examine for, deny, approve, revoke, suspend and renew the licensing and registration of applicants as provided under this chapter.

SECTION 6. AMENDMENT. Section 43-32-12 of the North Dakota Century Code is amended and reenacted as follows:

43-32-12. Application and license fee. The board shall adopt rules establishing the amount of the application fee for licensure and registration by written and oral examination and by reciprocity. A fee is not refundable, in whole or in part, except for failure of the board to hold examinations at the time originally announced, in which event the entire fee must be refunded upon demand by the applicant.

SECTION 7. AMENDMENT. Section 43-32-13 of the North Dakota Century Code is amended and reenacted as follows:

43-32-13. Annual license, registration and fee. Before January first of each year, every licensee and registrant shall pay to the secretary of the board an annual ~~license~~ fee determined by the board not to exceed one hundred fifty dollars. The secretary of the board, upon receipt of the payment of the annual ~~license~~ fee, shall issue the licensee or registrant a certificate of annual ~~license~~ renewal. An individual may not hold out as an industrial-organizational-psychologist, applied behavior analyst, including a registered applied behavior analyst, or a psychologist until the annual

~~license~~ fee is paid. The board may deny renewal of the license or registration of an individual who violates this section. Annually, the board shall mail a renewal notice to the licensee or registrant at the address on file with the board.

SECTION 8. AMENDMENT. Section 43-32-14 of the North Dakota Century Code is amended and reenacted as follows:

43-32-14. Payment of delinquent license fees – Reinstatement. An individual whose license or registration issued under this chapter was revoked for failure to pay the annual ~~license~~ fee must be reinstated and the license or registration renewed if, within one year from the date of revocation, the individual pays to the secretary of the board the amount of the annual ~~license~~ fee in default and a late fee in the amount of twenty dollars.

SECTION 9. AMENDMENT. Subsection 1 of section 43-32-16 of the North Dakota Century Code is amended and reenacted as follows:

1. The board shall keep a record of its proceedings and a register of all applicants for licensing or registration which must show:
 - a. The name, age, and residence of each applicant.
 - b. The date of each applicant's application.
 - c. The place of business of each applicant.
 - d. A summary of the educational and other qualifications of each applicant.
 - e. Whether an examination was required of an applicant.
 - f. Whether a license or registration was granted to an applicant.
 - g. The date of the action of the board.
 - h. Any information the board determines necessary or advisable in aid of the requirements of this subsection."

Page 3, line 13, replace “certified” with “licensed or registered” and after “analyst” insert “or psychologist”

Page 3, line 17, replace “certified” with “licensed” and after “or” insert “registered applied behavior analyst or”

Page 3, line 18, replace “certified” with “licensed or registered”

Page 3, line 19, replace “certification” with “licensure or registration”

Page 3, line 22, after “setting” insert “as part of an educational plan supervised by an employee who is a licensed or certified teaching professional, provided the professional employee does not represent themselves as an applied behavior analyst”

Page 3, after line 22, insert:

“b. Providing applied behavior analysis services to people served by a public or private service agency licensed by the state to provide residential, habilitative, vocational, or social support services as defined by the board when performed as part of an individual support plan supervised by a professional employee meeting the requirements of that agency’s licensure standards, provided the professional employee does not represent themselves as an applied behavior analyst;”

Page 3, line 23, replace “b” with “c” and after “member” insert “or as a paid or volunteer caregiver implementing procedures established by the family or person served in any setting provided the caregiver does not represent themselves as an applied behavior analyst”

Page 3, line 24, replace “c” with “d”

Page 3, line 27, replace “certified” with “licensed”

Page 3, line 28, replace “d” with “e”

Page 4, line 1, replace “e” with “f”

Page 4, line 8, remove “**Certification** -”

Page 4, line 9, replace “certificate” with “license or registration”

Page 4, line 11, remove “, not to exceed two hundred dollars”

Page 4, line 13, replace “certification” with “license or registration”

Page 4, line 15, remove “, such as the education”

Page 4, line 16, remove “requirements of the board-certified behavior analyst standards”

Page 4, line 17, after “board-approved” insert “demonstration of professional competence, such as a standardized” and remove “, such as the the board-certified”

Page 4, line 18, replace “behavior analyst examination” with “specific to the profession”

Page 4, line 19, remove “Is credentialed as a behavior analyst by a board-approved credentialing entity,”

Page 4, line 20, replace “such as the behavior analyst certification board” with “has met board-approved supervised experience requirements; and”

d. Has established supervision requirements as determined by the board for practice when applying as a registered applied behavior analyst.

Page 4, line 21, replace "certified" with "licensed or registered applied"

Page 4, line 22, replace "certification" with "license or registration"

Page 4, line 24, replace "certification" with "license or registration" and replace the first "certificate" with "license or registration" and replace the second "certificate" with "license or registration"

Page 4, line 26, remove the first "certification" and remove "of the certification"

Page 4, line 28, replace "certified" with "licensed or registered"

Page 4, line 29, replace "certification" with "license or registration"

Page 4, line 30, remove the first "certification" and replace the second "certification" with "license or registration"

Page 5, line 1, remove "certification"

Page 5, line 3, replace "certificate" with "license or registration"

Page 5, line 5, replace "certificate" with "license or registration"

Page 5, line 6, replace "certified" with "licensed or registered"

Page 5, after line 7, insert:

"6. A individual employed in North Dakota on January 1, 2011, in the behavior analyst role described in this Act who requests of the board in writing by July 1, 2012, who pays the required license or

registration application fee, and who submits to the board a written statement from their employer that their employment remains satisfactory, shall be issued by the board:

- a. A license as an applied behavior analyst if that individual is employed in a position granted license exemption by the board and submit a letter of endorsement from the licensed psychologist supervisor;
- b. A license as an applied behavior analyst to an individual with a master's degree in psychology employed as a behavior analyst as verified in writing by the individual's employer. Acceptable work titles include behavior analyst, behavior interventionist, or behavior modification specialist.
- c. Registration as an applied behavior analyst to an individual with a bachelor's degree who had been employed as a behavior analyst as verified in writing by their employer. Acceptable work titles include behavior analyst, behavior interventionist, or behavior modification specialist as verified in writing by their supervisor. A plan of supervision from a licensed psychologist or licensed behavior analyst which is approved by the board must be provided for registration to be approved."

Renumber accordingly